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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/737,043

12/15/2003

Lester F. Ludwig

2152-3032

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12/07/2009

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EXAMINER

WARREN, DAVID S

ART UNIT

PAPER NUMBER

2832

NOTIFICATION DATE

DELIVERY MODE

12/07/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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## **DETAILED OFFICE ACTION**

### ***Response to Amendment***

The Amendment does not overcome the previous §102 prior rejection. Regarding the independent claims: First, the term "small" is relative term to which the Applicant does not provide any standard for comparison. The Examiner is interpreting this language as having music modules of two sizes (i.e., one smaller, or "small-scale"). Certainly, all cited references would support modules of two sizes (and certainly, one of ordinary skill in the art would think to support modules of different sizes). Second, the phrase "hierarchical frame" (i.e., as defined by Applicant "a frame within a frame;" page 23) appears to be shown in the cited art. For example, both Lauts and Battle show a main support and smaller supports supported by the main support (i.e., a frame within a frame), e.g., see Battle fig. 1, main support (14; the frame) and smaller support (24) supported by the main support. Lauts also shows a main support with smaller supports to secure the keyboards (un-numbered but shown in the figures). Similarly in Adinolfi, main supports (10 and 13) and individual drum supports (not shown, but must be inherent, otherwise drums could not be secured to the cross beam (13).

**Therefore, all claims remain under Final Rejection.**

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID S. WARREN whose telephone number is (571)272-2076. The examiner can normally be reached on M-F, 9:30 A.M. to 6:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin Enad can be reached on 571-272-1990. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/David S. Warren/  
Primary Examiner, Art Unit 2832